



ND09013-AC

United States
Department of
Agriculture

CERTIFIED RECEIPT REQUESTED

May 10, 2012

Gloria Wippler
1698 21st Northeast
Emerado, North Dakota 58228-9625

Scott Wippler
1698 21st Northeast
Emerado, North Dakota 58228-9625

Office of
Administrative
Law Judges

Hearing Clerk

Room 1031
South Building

Dear Respondents:

1400 Independence
Avenue SW

Subject: Gloria Wippler, and Scott Wippler, Respondents
Docket No. D-12-0429

Washington, DC
20250-9200

Enclosed is a copy of the Complaint, filed under the Animal Welfare Act. Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings.

(202) 720-4443
(202) 720-9776 fax

The rules specify that you may represent yourself or obtain legal counsel. **You have 20 days from receipt of this letter to file with the Hearing Clerk an original and four copies of your written and signed Answer to the Complaint.** Your Answer must set forth any defense you wish to claim, and must admit or deny each allegation as set forth in the Complaint. In addition, your Answer may include a request for an oral hearing. Failure to file an Answer or filing an Answer which does not deny the material allegations of the Complaint shall constitute an admission of those allegations and waive your right to an oral hearing. If a hearing is required, it will be heard and decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

It is your responsibility to notify this office of any change in address or telephone numbers. Failure to do so may result in a judgment being entered against you without your knowledge. Your answer, as well as any pleadings or requests regarding this proceeding should be submitted in original and four to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, D.C. 20250-9200.

Any questions regarding the potential settlement of this case should be directed to the attorney whose name and telephone number appear on the last page of the enclosed complaint.

Sincerely,



L. Eugene Whitfield
Hearing Clerk

Enclosures: 2

cc: Sharlene Deskins, OGC
Jo Brown, APHIS

fccangeles/5/10/2012

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USD
OALJ/OHC
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RECEIVED

In re:) Docket No.
)
Gloria Wippler,)
and Scott Wippler,)
)
Respondents) Complaint

12-0429

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the Act, and the regulations and standards (9 C.F.R. § 1.1 et seq.) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Gloria Wippler and Scott Wippler, hereinafter referred to as the respondents, are individuals whose address is 1698 21st Northeast, Emerado, North Dakota 58228-9625.

B. The respondents, at all times material hereto, were operating as an exhibitor as defined in the Act and the regulations issued pursuant to the Act. Gloria Wippler and Scott Wippler do not have an Animal Welfare Act license.

C. Gloria Wippler previously held an Animal Welfare Act license. While Gloria Wippler was licensed, she received copies of the Act and regulations and the standards issued thereunder

and agreed in writing to comply with them. Gloria Wippler signed a consent decision in 1997 to resolve violations of the Animal Welfare Act, 56 Agric. Dec. 830 (1997). Gloria Wippler pursuant to the consent decision surrendered her license and was prohibited from obtaining a license for one year.

II

On or about June 22, 2008 and continuing to the date of this complaint, the Respondents operated as an exhibitor as defined in the Act and the regulations issued pursuant to the Act, without having obtained a license, in willful violation of section 4 of the Act (7 U.S.C. § 2134) and section 2.1 of the regulations (9 C.F.R. § 2.1).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Room 1031 S. Bldg., 1400 Independence Ave., SW, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondents to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Assessing civil penalties against the respondents in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Permanently disqualifying the respondents' as licensees under the Act.

Done at Washington, D.C.
this 4th day of May, 2012

Acting

Administrator
Animal and Plant Health
Inspection Service

Sharlene Deskins
Attorney for Complainant
MAIL STOP 1417
1400 Independence Ave., S.W.
Office of the General Counsel
United States Department of
Agriculture
Washington, D.C. 20250-1417
Telephone (202) 720-2595